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PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
GROTON CT 06340

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FEB 09 2009

OFFICE OF PETITIONS

In re Application of :
Becker, et al.
Application No. 10/722,104 : LETTER REGARDING PATENT
Filed: November 25, 2003 : TERM ADJUSTMENT
Attorney Docket No. PC27788 :
For: HETEROARYLSULFONYLMETHYL :
HYDROXAMIC ACIDS AND AMIDES AND :
THEIR USE AS PROTEASE :
INHIBITORS :

This decision is in response to the "COMMUNICATION," filed June 12, 2008. Applicants disclose that the patent term adjustment (PTA) indicated on the Determination of Patent Term Adjustment may extend the term of this patent by too many days because of the Office's failure to calculate the number of days for applicants delay correctly.

The request for review of the patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is TWO HUNDRED SIXTY ONE (261) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 7, 2007, the Office mailed a Notice of Allowance with the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 330 days. Applicants disclose that this may be incorrect given the filing of a Request for Continued Examination, filed on September 19, 2007,

and the delayed payment of the issue fee and submission of a Rule 137(b) petition on June 3, 2008.

A review of the application history confirms that an incorrect number of days was determined for applicants delay. 37 CFR 1.704(b) states that the period of adjustment under 35 U.S.C. 1.703 shall be reduced by any periods of time in excess of three months that are taken to reply to an action by the Office making any rejection, objection, argument or other request. In the present case, a final Office action was mailed on April 12, 2007. A response in compliance with §1.113(c), a request for continued examination (RCE) and amendment, was not filed until September 19, 2007, three months and 69 days later. Pursuant to 37 CFR 1.704(b), a period of reduction of 69 days is being entered.

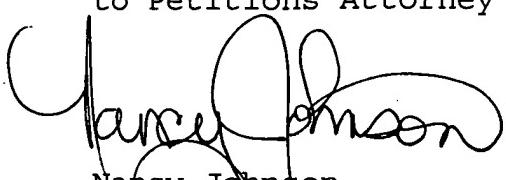
In view thereof, this correct patent term adjustment at the time of the mailing of the Notice of Allowance is two hundred sixty-one (261) days.

With respect to the delay in payment of the issue fee and the abandonment of the application after the mailing of the Notice of Allowance, these calculations are not considered under the initial Determination of Patent Term Adjustment sent with the Notice of Allowance. The revised patent term adjustment indicated in the Issue Notification (and on the patent) is revised in light of applicant and Office delays after the mailing of the Notice of Allowance. If the revised patent term adjustment does not properly consider applicants' delay in paying the issue fee and/or in filing a grantable revival petition, then applicants should file another candor letter.

As this letter was submitted to advise the Office of an error in applicants' delay, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicants for their good faith and candor in bringing this to the attention of the Office.

The Change of Correspondence Address filed on June 3, 2008 has not been accepted because Attorney Engelmann is not an attorney of record. A courtesy copy of this decision is being mailed to practitioner. However, any future correspondence regarding this application will be mailed to the address of record.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Shirene Willis Brantley at (571) 272-3230.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

CC: PHARMACIA & UPJOHN
7000 PORTAGE ROAD
KZO-300-104
KALAMAZOO, MI 49001

Enclosure: Copy of Revised PAIR Screen

Day : Thursday

PALM INTRANET

Date: 2/5/2009
Time: 16:30:59

PTA Calculations for Application: 10/722104

Application Filing Date:	11/25/2003	PTO Delay (PTO):	422
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	92
Post-Issue Petitions:	0	Total PTA (days):	261
PTO Delay Adjustment:	-69		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	02/05/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		69	
54	12/07/2007	MAIL NOTICE OF ALLOWANCE			
53	11/06/2007	ISSUE REVISION COMPLETED			
52	11/06/2007	DOCUMENT VERIFICATION			
51	12/06/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
50	12/06/2007	CASE DOCKETED TO EXAMINER IN GAU			
49	12/04/2007	NOTICE OF ALLOWABILITY			
45	09/27/2007	DATE FORWARDED TO EXAMINER			
44	09/19/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
43	09/27/2007	DATE FORWARDED TO EXAMINER			
42	09/19/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
41	09/27/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
40	09/19/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
39	07/12/2007	PARALEGAL TD ACCEPTED			
38	07/12/2007	PARALEGAL TD ACCEPTED			
37	07/06/2007	TERMINAL DISCLAIMER FILED			
36	07/12/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
35	07/11/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
34	07/06/2007	IMPROPER REQUEST FOR CONTINUED EXAMINATION			
33	07/06/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
32	04/12/2007	MAIL FINAL REJECTION (PTOL - 326)			

31	04/05/2007	FINAL REJECTION			
30	02/01/2007	DATE FORWARDED TO EXAMINER			
29	01/17/2007	RESPONSE AFTER NON-FINAL ACTION	92	26	
28	01/17/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
27	07/27/2006	CASE DOCKETED TO EXAMINER IN GAU			
26	07/17/2006	MAIL NON-FINAL REJECTION			
25	06/12/2006	NON-FINAL REJECTION			
24	04/24/2006	DATE FORWARDED TO EXAMINER			
23	04/17/2006	RESPONSE TO ELECTION / RESTRICTION FILED			
22	03/23/2006	MAIL RESTRICTION REQUIREMENT	422	-1	
21	03/20/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
20	01/31/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	01/31/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	01/11/2006	CASE DOCKETED TO EXAMINER IN GAU			
17	03/18/2005	CORRESPONDENCE ADDRESS CHANGE			
16.7	01/31/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	01/31/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15.7	01/31/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	01/31/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	04/14/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	04/14/2004	CASE DOCKETED TO EXAMINER IN GAU			
12	04/02/2004	APPLICATION RETURN FROM OIPE			
11	04/02/2004	APPLICATION RETURN TO OIPE			
10	04/02/2004	APPLICATION DISPATCHED FROM OIPE			
9	04/02/2004	APPLICATION IS NOW COMPLETE			
8	03/24/2004	ADDITIONAL APPLICATION FILING FEES			
7	03/24/2004	SMALL ENTITY STATEMENT (37 CFR 1.27)			
6	03/24/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	02/26/2004	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			

4	02/06/2004	CLEARED BY OIPE CSR			
3	02/06/2004	CASE CLASSIFIED BY OIPE			
2	12/24/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/25/2003	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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